Minutes – Executive Policy Committee – October 21, 2015

Report – Standing Policy Committee on Property and Development – October 13, 2015

Item No. 2 Subdivision and Rezoning – 85-109 Maryland Street
(Fort Rouge-East Fort Garry Ward)
File DASZ 21/2015 [c/r DAV 137893/2015D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 21/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2015 dated September 1, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 9, 2015

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2015 dated September 1, 2015 to an "RMU" Residential Mixed Use District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions

        i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the maximum height shall be limited to five (5) stories and sixty (60) feet.

Report – Standing Policy Committee on Property and Development – October 13, 2015

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension.'

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Minutes – Executive Policy Committee – October 21, 2015

Report – Standing Policy Committee on Property and Development – October 13, 2015

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – October 13, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 13, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 85-109 Maryland Street**
File DASZ 21/2015

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Ms K. McMillan, Committee Clerk**
City Centre Community Committee

Report date: **September 18, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 21/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2015 dated September 1, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 9, 2015

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2015 dated September 1, 2015 to an "RMU" Residential Mixed Use District, subject to the following conditions:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions

        i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the maximum height shall be limited to five (5) stories and sixty (60) feet.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension.'

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

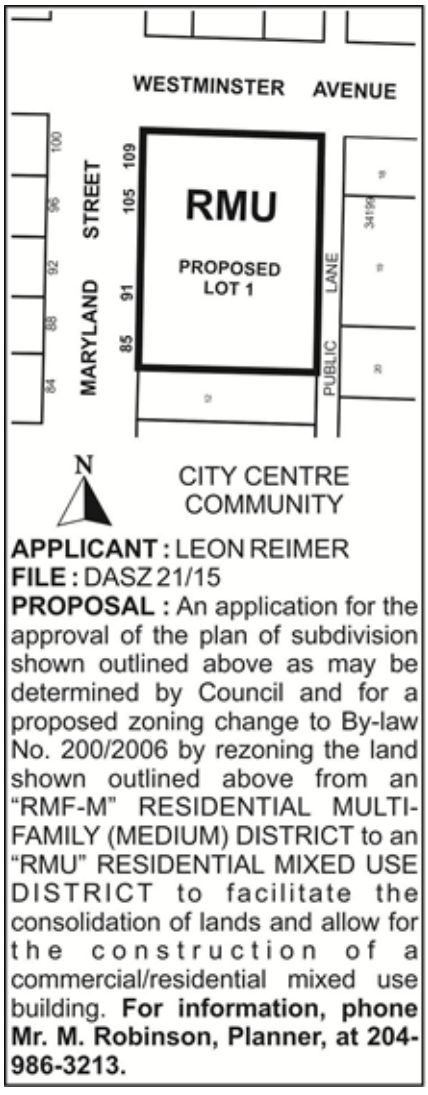
11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. This is exactly what Winnipeg needs – rental housing, density, mixed-use development in an area that is being revitalized.
2. I'm absolutely thrilled about this project and it's exactly what we want to be seeing.
3. It's nice that we don't see significant opposition and it shows there's support for this in the community as well. Many of the community organizations in West Broadway are supportive of this sort of development and this particular project.

PUBLIC HEARING SUMMARY

File:	DASZ 21/2015
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	September 16, 2015 Council Building, 510 Main Street
Applicant:	710 Westminster Ltd. (Leon Reimer)
Subject:	
Premises Affected:	85-109 Maryland Street

Exhibits Filed:

1. Application dated June 25, 2015
2. Notification of Public Hearing dated July 13, 2015
3. Manitoba Status of Titles 2779685/1, 2779686/1, 2779688/1, 2779690/1, 2779693/1
4. Surveyor's Building Location Certificate and sketch dated June 22, 2015
5. Plans (7 pages)
6. Report from the Planning and Land Use Division dated September 9, 2015
7. Communication dated September 10, 2015 from Jennifer Altemeyer in opposition to the application
8. Inspection Report
9. Photographs and submission dated September 16, 2015 from by Jennifer Altemeyer in opposition to the application
10. Recording of Representations

REPRESENTATIONS:

In Support:

Leon Reimer
Valerie Reimer
Cesar Cruz Cazares
Alex Bogusat

In Opposition:

Jennifer Altemeyer

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 21/2015

ADMINISTRATIVE REPORT

Title: DASZ 21/2015 – 85-109 Maryland Street

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 21/2015 – 85-109 Maryland Street

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 21/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2015 dated September 1, 2015 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 9, 2015

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2015 dated September 1, 2015 to an "RMU" Residential Mixed Use District, subject to the following conditions:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions

      i. That for the development of any building or structure, plans showing the location and design of proposed buildings, accessory parking areas, fencing, landscaping, indoor and outdoor bicycle parking, garbage enclosures, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or

development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the maximum height shall be limited to five (5) stories and sixty (60) feet

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension.'

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the property will be rezoned and may be subdivided.

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

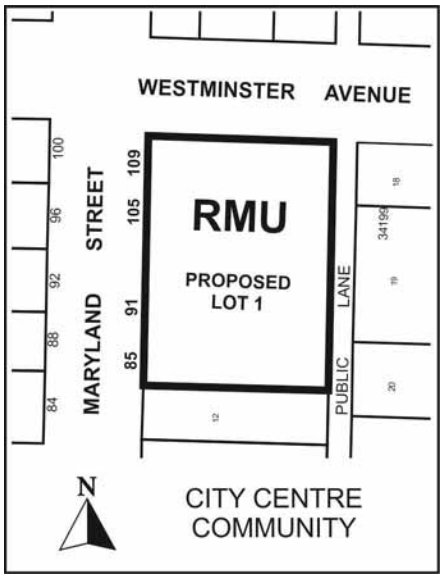
Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, MCIP
Date:	September 9, 2015
File No.	DASZ 21/2015

APPENDIX 'A'

DATE: September 9, 2015
FILE: DASZ 21/2015
RELATED FILES: DAV 15-137893/D
COMMUNITY: City Centre Community
NEIGHBOURHOOD #: 1.103

SUBJECT: To rezone the subject land from an "RMF-M" Residential Multi-Family District to an "RMU" Residential Mixed Use District for the construction of a mixed use building

LOCATION: SE Corner of Maryland Street and Westminster Avenue
LEGAL DESCRIPTION: SP 13-17 PLAN 34199 WLTO in RL 79 Parish of St. James



APPLICANT: 710 Westminster Ltd. – Leon Reimer

OWNER: Same

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

The subject property, which is currently zoned "RMF-M" Residential Multi-Family District Medium, is located at the southeast corner of Maryland Street and Westminster Avenue in the West Broadway neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Westminster Avenue, then commercial use zoned "RMF-M" Residential Multi-Family District
South: Residential uses zoned "RMF-M" Residential Multi-Family District
East: Commercial uses zoned "C2" Commercial District PDO-1 Neighbourhood Main Streets
West: Residential uses zoned "RMF-M" Residential Multi-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to consolidate five (5) contiguous lots, two of which are currently vacant, with an approximate total land area of 20,624 square feet and to rezone the subject lands from "RMF-M" Residential Multi-Family District to "RMU" Residential Mixed Use District in order to construct a 44 unit, 4 storey mixed use development. The applicant is providing 42 parking stalls, of which half are under the building.

A letter of intent which describes the proposal in more detail is included as Appendix 'C'.

Reason for application
The proposed density exceeds what is allowed in the "RMF-M" Multi-Family Residential District. The "RMU" Residential Mixed Use District, however, allows for a higher density and commercial uses. Consequently, to accommodate the proposed density and mixed use, a rezoning to "RMU" is required.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of Maryland Street can be characterized as a mixed use corridor. Mixed use corridors serve as city routes, connecting neighbourhoods and transporting people, goods and services. Corridors serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work, and play. Given their prominence in daily life, corridors are ideal for transformative change.

Mixed use corridors provide opportunities for residential intensification and for mixed use development, with the retail and commercial services at grade level to enliven the street.

Given its location on a mixed use corridor, the proposed rezoning to "RMU" for a mixed use building is consistent with Complete Communities.

B. Design
Setbacks
The setbacks are consistent with expectations for an urban context.

Front
There are four walk up units along Maryland Street, each with their own access directly to the street. The reduced front yard and individual entrances are intended to create a strong connection to the street and the urban life of the neighbourhood.

Commercial space
The commercial space will be oriented to Westminster Avenue. There will be approximately 5,640 sq. ft. of commercial space on the first floor and 6,000 sq. ft. on the second floor. The commercial space will help to enhance the urban life of the neighbourhood by increasing the number of amenities available to residents of the area.

The building also features a third floor rooftop terrace above the commercial space, in the northeast corner of the development. This terrace will further enhance the street.

Balconies
All units will have a minimum of one balcony, facing Maryland, Westminster, and the rear lane. The balconies will help to animate the street and create a connection between the residents, the building, and street.

C. Parking and Transportation
A total of 42 parking stalls will be provided within a parking structure, which is partially below grade. In addition, the building will provide a car share vehicle and both indoor and outdoor bicycle parking for residents and customers.

D. Other
Public Consultation
The applicant held an open house for the community on May 27, 2015.

Plan Approval
The Winnipeg Public Service is recommending plan approval, prior to the issuance of any development permits. It is expected that the development will be consistent with the plans submitted with the development application.

RECOMMENDATIONS
The Urban Planning Division recommends that the application be approved and that the subject property be rezoned to "RMU" Residential Mixed Use District, for the following reasons:

- The proposed development is consistent with Complete Communities
- The proposed development will increase the density on the block and add amenities to the neighbourhood.
- A mixed use building with ground floor commercial will enhance the vitality of the street.
- The development will return two vacant lots to productive use

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 21/2015

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 21, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 85-109 WESTMINISTER STREET – DASZ 21/2015

It is recommended that the approval of DASZ 21/2015, if granted, be subject to the applicant addressing the following:

1) Water Demand

   There is insufficient available fire flow for the proposed development, based the review of building information that was provided with this application. The applicant may select one of the following options:

   a) Enter into a Servicing Agreement to upgrade, at no expense to the City of Winnipeg, the water main on Westminster Avenue from Sherbrook to Maryland and the water main on Maryland Street from Westminster to hydrant near Maryland at Dundurn, as determined by and to the satisfaction of the Director of Water and Waste.

   b) Enter into a Servicing Agreement to upgrade, at no expense to the City of Winnipeg, the water main on Wolseley Avenue from Sherbrook to Maryland and the water main on Maryland Street from Wolseley to the north limit of the planned area, as determined by and to the satisfaction of the Director of Water and Waste.

   c) Propose building construction upgrades to demonstrate compliance with fire flow requirements at the building permit stage. In order to achieve adequate required fire flow, measures such as splitting the building area with a firewall or upgrading to non-combustible construction are required.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 58/2013
September 9, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

GJ/gj

APPENDIX 'B'
Schedule "A" for File No. DASZ 21/2015, City Centre Community Committee, dated September 9, 2015

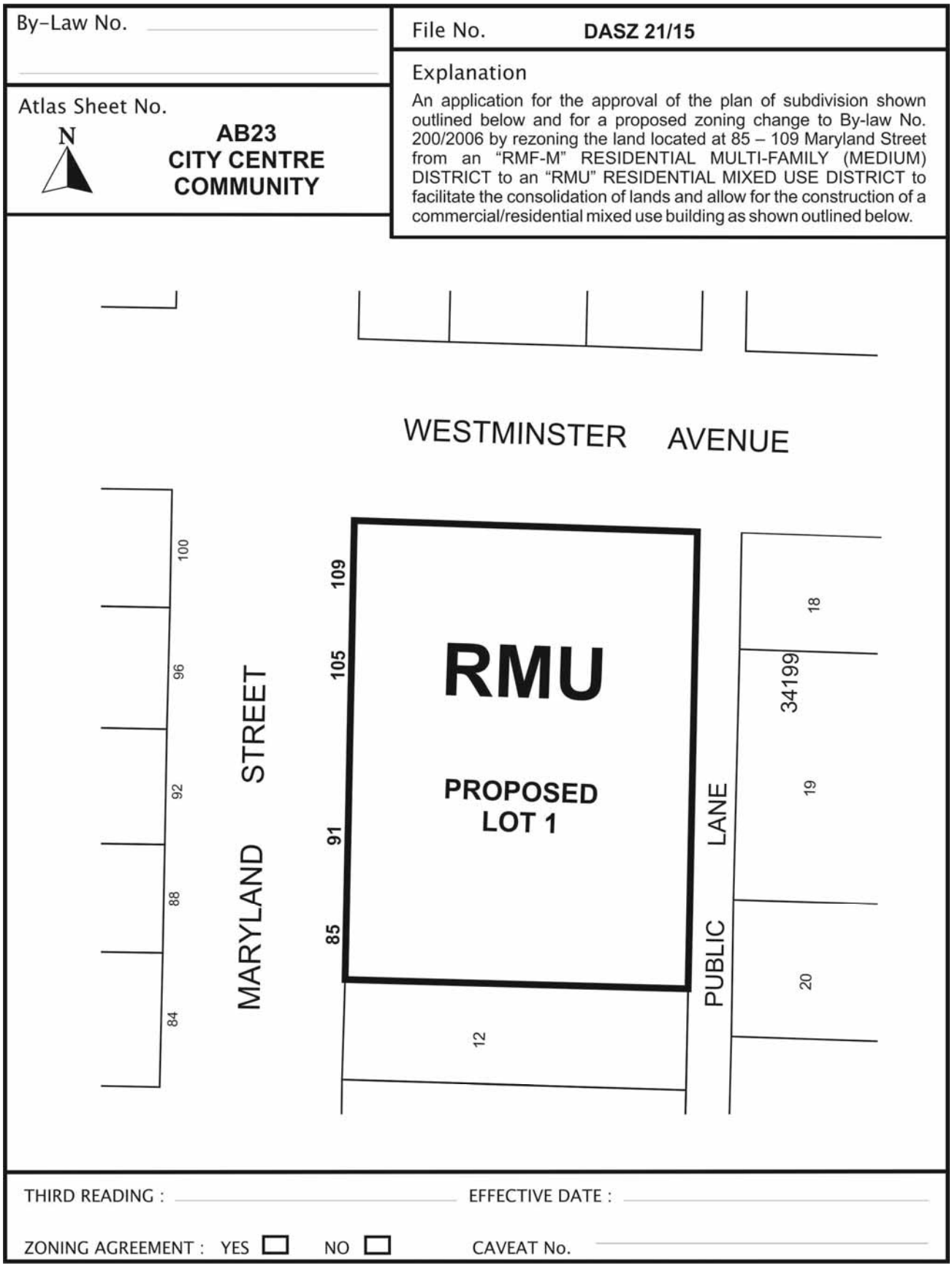




Figure 1: Aerial Photo (Flown in 2014)

Appendix 'C'
Letter of Intent

UNIT7 ARCHITECTURE INC.

P 204 488 8300
F 204 488 8202
www.u7arc.com

Dean Syvetson, MAA, FRAIC
8-1700 Corydon Avenue
Winnipeg, MB, R3N 0K1, CANADA

Letter of Intent

May 25th, 2015

City of Winnipeg
Planning, Property and Development Department
30 Fort Steet, Winnipeg, MB
R3C 4X7

Re: 85 -109 Maryland Street

Project Introduction

Located on the boundaries between the neighbourhoods of West Broadway and Wolseley, this group of four lots represent an ideal opportunity for the development of a community-oriented project. Currently, this urban infill area is under-utilized, lacking to provide a positive impact on its immediate surroundings. Lot 109 Maryland has been vacant for many years; half of lot 91 has an undetermined use; and all three houses standing on these lots (dating back to the early 1900's) are in poor condition, and do not contribute to the resurgent character of the neighbourhood.

With the above in mind, the proposed new project for the site consists of a mixed-use development that will contribute to the ongoing revitalization of the Maryland - Sherbrook area. Located on a prominent corner of the neighbourhood, at the intersection of Westminster Avenue and Maryland Street, this development will positively impact the activity along both Maryland and Westminster. As a mixed-use building, this project will boost the commerce and hence the economy of the neighbourhood, while at the same time injecting life by providing affordable rental units for residents that will call this development "home".

Project Description

The building includes approximately 11,600 sq.ft. of leasable commercial space on two levels; close to 31,000 sq.ft. of apartments on four levels for a total of 44 living units; and a 12,800 sq.ft. / ±42-car parking area, of which half is protected under the building.

Commercial Space
The commercial space is located primarily along Westminster Ave., with a frontage of 124 feet and a depth of 54. At main floor level, there is approx. 5,640 sq.ft. of commercial space and approx. 6,000 sq.ft. on the second level.

Main Entrance
The entrance to the building is located on Westminster Ave. This entrance serves as the main entrance for the entire development; both second floor commercial spaces and all four floors of residential are accessible through this entry point.

UNIT 7 ARCHITECTURE INC.

P 204 488 8300
F 204 488 8202
www.u7arc.com

Dean Syverson, MAA, FRAIC
B-1703 Corydon Avenue
Winnipeg, MB, R3N 0R1, CANADA

Walk-up Residential Units

There are four walk-up units along Maryland St., each with their own access directly from the street. These units are a key to achieving a strong connection to Maryland St. and to the urban life of the neighbourhood.

Apartments

Aside from the four walk-up units there are 40 apartments distributed on four levels. The apartment sizes vary between 515 sq.ft. up to 900 sq.ft. providing a wide variety of configurations in 1, 2 or 3 bedroom apartments.

Terrace

The building features a third floor rooftop terrace above the commercial space. Located on the northeast corner of the development, this terrace will bring life to a currently neglected area.

Balconies

All units feature a minimum of one balcony, allowing for interaction between the residents and their surrounding context. The balconies will be facing both Maryland St. and Westminster Ave. as well as the rear lane.

We trust you will find this project attuned to The City of Winnipeg requirements. Please do not hesitate to contact us should you have any questions or require further information.

Dean Syverson, Principal Unit 7 Architecture